REVIEW OF STATUTORY LANGUAGE AND CONSIDERATION OF A LEGISLATIVE PROPOSAL TO ESTABLISH A FINE FOR LICENSEES WHO FAIL TO COMPLY WITH A REQUEST FOR THE MEDICAL RECORDS OF A PATIENT.

Language from the Dental Practice Act provided for review.

BPC 1684.1 – Dental Practice Act

(a) (1) A licensee who fails or refuses to comply with a request for the dental records of a patient, that is accompanied by that patient's written authorization for release of record to the board, within 15 days of receiving the request and authorization, shall pay to the board a civil penalty of two hundred fifty dollars ($250) per day for each day that the documents have not been produced after the 15th day, up to a maximum of five thousand dollars ($5,000) unless the licensee is unable to provide the documents within this time period for good cause.

(2) A health care facility shall comply with a request for the dental records of a patient that is accompanied by that patient's written authorization for release of records to the board together with a notice citing this section and describing the penalties for failure to comply with this section. Failure to provide the authorizing patient's dental records to the board within 30 days of receiving this request, authorization, and notice shall subject the health care facility to a civil penalty, payable to the board, of up to two hundred fifty dollars ($250) per day for each day that the documents have not been produced after the 30th day, up to a maximum of five thousand dollars ($5,000), unless the health care facility is unable to provide the documents within this time period for good cause. This paragraph shall not require health care facilities to assist the board in obtaining the patient's authorization. The board shall pay the reasonable cost of copying the dental records.

(b) (1) A licensee who fails or refuses to comply with a court order, issued in the enforcement of a subpoena, mandating the release of records to the board shall pay to the board a civil penalty of one thousand dollars ($1,000) per day for each day that the documents have not been produced after the date by which the court order requires the documents to be produced, unless it is determined that the order is unlawful or invalid. Any statute of limitations applicable to the filing of an accusation by the board shall be tolled during the period the licensee is out of compliance with the court order and during any related appeals.

(2) Any licensee who fails or refuses to comply with a court order, issued in the enforcement of a subpoena, mandating the release of records to the board is guilty of a misdemeanor punishable by a fine payable to the board not to exceed five thousand dollars ($5,000). The fine shall be added to the licensee's renewal fee if it is not paid by the next succeeding renewal date. Any statute of limitations applicable to the filing of an accusation

by the board shall be tolled during the period the licensee is out of compliance with the court order and during any related appeals.

(3) A health care facility that fails or refuses to comply with a court order, issued in the enforcement of a subpoena, mandating the release of patient records to the board, that is accompanied by a notice citing this section and describing the penalties for failure to comply with this section, shall pay to the board a civil penalty of up to one thousand dollars ($1,000) per day for each day that the documents have not been produced, up to ten thousand dollars ($10,000), after the date by which the court order requires the documents to be produced, unless it is determined that the order is unlawful or invalid. Any statute of limitations applicable to the filing of an accusation by the board against a licensee shall be tolled during the period the health care facility is out of compliance with the court order and during any related appeals.

(4) Any health care facility that fails or refuses to comply with a court order, issued in the enforcement of a subpoena, mandating the release of records to the board is guilty of a misdemeanor punishable by a fine payable to the board not to exceed five thousand dollars ($5,000). Any statute of limitations applicable to the filing of an accusation by the board against a licensee shall be tolled during the period the health care facility is out of compliance with the court order and during any related appeals.

(c) Multiple acts by a licensee in violation of subdivision (b) shall be punishable by a fine not to exceed five thousand dollars ($5,000) or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. Multiple acts by a health care facility in violation of subdivision (b) shall be punishable by a fine not to exceed five thousand dollars ($5,000) and shall be reported to the State Department of Health Services and shall be considered as grounds for disciplinary action with respect to licensure, including suspension or revocation of the license.

(d) A failure or refusal to comply with a court order, issued in the enforcement of a subpoena, mandating the release of records to the board constitutes unprofessional conduct and is grounds for suspension or revocation of his or her license.

(e) Imposition of the civil penalties authorized by this section shall be in accordance with the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Division 3 of Title 2 of the Government Code).

(f) For the purposes of this section, a "health care facility" means a clinic or health care facility licensed or exempt from licensure pursuant to Division 2 (commencing with Section 1200) of the Health and Safety Code.

DISCUSSION REGARDING MOSCONE-KNOX PROFESSIONAL CORPORATION ACT AND THE IMPLICATION OF OCCUPATIONAL THERAPISTS OWNING CORPORATIONS AND LICENSEES BEING EMPLOYED BY OTHER PROFESSIONAL CORPORATIONS AND THE CONSIDERATION OF PURSING LEGISLATION TO EFFECT CHANGES.

The following are attached for review:

- Corporations Code,
- Pages 3-4 from the August 16, 2011, Legislative and Regulatory Affairs Committee Meeting minutes, regarding legislative proposal,
- AOTA Memo re: proposed amendment to California code related to OT corporations,
- AOTA proposed language to create Occupational Therapy Corporations

13400. This part shall be known and may be cited as the "Moscone-Knox Professional Corporation Act."

13401. As used in this part:
(a) "Professional services" means any type of professional services that may be lawfully rendered only pursuant to a license, certification, or registration authorized by the Business and Professions Code, the Chiropractic Act, or the Osteopathic Act.
(b) "Professional corporation" means a corporation organized under the General Corporation Law or pursuant to subdivision (b) of Section 13406 that is engaged in rendering professional services in a single profession, except as otherwise authorized in Section 13401.5, pursuant to a certificate of registration issued by the governmental agency regulating the profession as herein provided and that in its practice or business designates itself as a professional or other corporation as may be required by statute. However, any professional corporation or foreign professional corporation rendering professional services by persons duly licensed by the Medical Board of California or any examining committee under the jurisdiction of the board, the Osteopathic Medical Board of California, the Dental Board of California, the California State Board of Pharmacy, the Veterinary Medical Board, the California Architects Board, the Court Reporters Board of California, the Board of Behavioral Sciences, the Speech-Language Pathology and Audiology Board, the Board of Registered Nursing, or the State Board of Optometry shall not be required to obtain a certificate of registration in order to render those professional services.
(c) "Foreign professional corporation" means a corporation organized under the laws of a state of the United States other than this state that is engaged in a profession of a type for which there is authorization in the Business and Professions Code for the performance of professional services by a foreign professional corporation.
(d) "Licensed person" means any natural person who is duly licensed under the provisions of the Business and Professions Code, the Chiropractic Act, or the Osteopathic Act to render the same professional services as are or will be rendered by the professional corporation or foreign professional corporation of which he or she is or intends to become, an officer, director, shareholder, or employee.
(e) "Disqualified person" means a licensed person who for any reason becomes legally disqualified (temporarily or permanently) to render the professional services that the particular professional corporation or foreign professional corporation of which he or she is an officer, director, shareholder, or employee is or was rendering.

13401.3. As used in this part, "professional services" also means any type of professional services that may be lawfully rendered only pursuant to a license, certification, or registration authorized by the Yacht and Ship Brokers Act (Article 2 (commencing with Section 700) of Chapter 5 of Division 3 of the Harbors and Navigation Code).

13401.5. Notwithstanding subdivision (d) of Section 13401 and any other provision of law, the following licensed persons may be shareholders, officers, directors, or professional employees of the professional corporations designated in this section so long as the sum of all shares owned by those licensed persons does not exceed 49 percent of the total number of shares of the professional corporation so designated herein, and so long as the number of those licensed persons owning shares in the professional corporation so designated herein does not exceed the number of persons licensed by the governmental agency regulating the designated professional corporation:

(a) Medical corporation.
- (1) Licensed doctors of podiatric medicine.
- (2) Licensed psychologists.
- (3) Registered nurses.
- (4) Licensed optometrists.
- (5) Licensed marriage and family therapists.
- (6) Licensed clinical social workers.
- (7) Licensed physician assistants.
- (8) Licensed chiropractors.
- (9) Licensed acupuncturists.
- (10) Naturopathic doctors.

(b) Podiatric medical corporation.
- (1) Licensed physicians and surgeons.
- (2) Licensed psychologists.
- (3) Registered nurses.
- (4) Licensed optometrists.
- (5) Licensed chiropractors.
- (6) Licensed acupuncturists.
- (7) Naturopathic doctors.

(c) Psychological corporation.
- (1) Licensed physicians and surgeons.
- (2) Licensed doctors of podiatric medicine.
- (3) Registered nurses.
- (4) Licensed optometrists.
- (5) Licensed marriage and family therapists.
- (6) Licensed clinical social workers.
- (7) Licensed chiropractors.
- (8) Licensed acupuncturists.
- (9) Naturopathic doctors.

(d) Speech-language pathology corporation.
- (1) Licensed audiologists.

(e) Audiology corporation.
- (1) Licensed speech-language pathologists.

(f) Nursing corporation.
- (1) Licensed physicians and surgeons.
- (2) Licensed doctors of podiatric medicine.
- (3) Licensed psychologists.
- (4) Licensed optometrists.
- (5) Licensed marriage and family therapists.
- (6) Licensed clinical social workers.
- (7) Licensed physician assistants.
- (8) Licensed chiropractors.
- (9) Licensed acupuncturists.
- (10) Naturopathic doctors.

(g) Marriage and family therapy corporation.
- (1) Licensed physicians and surgeons.
- (2) Licensed psychologists.
- (3) Licensed clinical social workers.

(4) Registered nurses.
(5) Licensed chiropractors.
(6) Licensed acupuncturists.
(7) Naturopathic doctors.

(h) Licensed clinical social worker corporation.
(1) Licensed physicians and surgeons.
(2) Licensed psychologists.
(3) Licensed marriage and family therapists.
(4) Registered nurses.
(5) Licensed chiropractors.
(6) Licensed acupuncturists.
(7) Naturopathic doctors.

(i) Physician assistants corporation.
(1) Licensed physicians and surgeons.
(2) Registered nurses.
(3) Licensed acupuncturists.
(4) Naturopathic doctors.

(j) Optometric corporation.
(1) Licensed physicians and surgeons.
(2) Licensed doctors of podiatric medicine.
(3) Licensed psychologists.
(4) Registered nurses.
(5) Licensed chiropractors.
(6) Licensed acupuncturists.
(7) Naturopathic doctors.

(k) Chiropractic corporation.
(1) Licensed physicians and surgeons.
(2) Licensed doctors of podiatric medicine.
(3) Licensed psychologists.
(4) Registered nurses.
(5) Licensed optometrists.
(6) Licensed marriage and family therapists.
(7) Licensed clinical social workers.
(8) Licensed acupuncturists.
(9) Naturopathic doctors.

(l) Acupuncture corporation.
(1) Licensed physicians and surgeons.
(2) Licensed doctors of podiatric medicine.
(3) Licensed psychologists.
(4) Registered nurses.
(5) Licensed optometrists.
(6) Licensed marriage and family therapists.
(7) Licensed clinical social workers.
(8) Licensed physician assistants.
(9) Licensed chiropractors.
(10) Naturopathic doctors.

(m) Naturopathic doctor corporation.
(1) Licensed physicians and surgeons.

(2) Licensed psychologists.
(3) Registered nurses.
(4) Licensed physician assistants.
(5) Licensed chiropractors.
(6) Licensed acupuncturists.
(7) Licensed physical therapists.
(8) Licensed doctors of podiatric medicine.
(9) Licensed marriage, family, and child counselors.
(10) Licensed clinical social workers.
(11) Licensed optometrists.

(n) Dental corporation.
(1) Licensed physicians and surgeons.
(2) Dental assistants.
(3) Registered dental assistants.
(4) Registered dental assistants in extended functions.
(5) Registered dental hygienists.
(6) Registered dental hygienists in extended functions.
(7) Registered dental hygienists in alternative practice.

13402. (a) This part shall not apply to any corporation now in existence or hereafter organized which may lawfully render professional services other than pursuant to this part, nor shall anything herein contained alter or affect any right or privilege, whether under any existing or future provision of the Business and Professions Code or otherwise, in terms permitting or not prohibiting performance of professional services through the use of any form of corporation permitted by the General Corporation Law.

(b) The conduct of a business in this state by a corporation pursuant to a license or registration issued under any state law, except laws relating to taxation, shall not be considered to be the conduct of a business as a professional corporation if the business is conducted by, and the license or registration is issued to, a corporation which is not a professional corporation within the meaning of this part, whether or not a professional corporation could conduct the same business, or portions of the same business, as a professional corporation.

13403. The provisions of the General Corporation Law shall apply to professional corporations, except where such provisions are in conflict with or inconsistent with the provisions of this part. A professional corporation which has only one shareholder need have only one director who shall be such shareholder and who shall also serve as the president and treasurer of the corporation. The other officers of the corporation in such situation need not be licensed persons. A professional corporation which has only two shareholders need have only two directors who shall be such shareholders. The two shareholders between them shall fill the offices of president, vice president, secretary and treasurer.

A professional medical corporation may establish in its articles or bylaws the manner in which its directors are selected and removed, their powers, duties, and compensation. Each term of office may not exceed three years. Notwithstanding the foregoing, the articles or bylaws of a professional medical corporation with more than 200 shareholders may provide that directors who are officers of the corporation or who are responsible for the management of all medical services at one or more medical centers may have terms of office, as directors, of up to six years; however, no more than 50 percent of the members of the board, plus one additional member of the board, may have six-year terms of office.

13404. A corporation may be formed under the General Corporation Law or pursuant to subdivision (b) of Section 13406 for the purposes of qualifying as a professional corporation in the manner provided in this part and rendering professional services. The articles of incorporation of a professional corporation shall contain a specific statement that the corporation is a professional corporation within the meaning of this part. Except as provided in subdivision (b) of Section 13401, no professional corporation shall render professional services in this state without a currently effective certificate of registration issued by the governmental agency regulating the profession in which such corporation is or proposes to be engaged, pursuant to the applicable provisions of the Business and Professions Code or the Chiropractic Act expressly authorizing such professional services to be rendered by a professional corporation.

13404.5. (a) A foreign professional corporation may qualify as a foreign corporation to transact intrastate business in this state in accordance with Chapter 21 (commencing with Section 2100) of Division 1. A foreign professional corporation shall be subject to the provisions of the General Corporation Law applicable to foreign corporations, except where those provisions are in conflict with or inconsistent with the provisions of this part. The statement and designation filed by the foreign professional corporation pursuant to Section 2105 shall contain a specific statement that the corporation is a foreign professional corporation within the meaning of this part.

(b) No foreign professional corporation shall render professional services in this state without a currently effective certificate of registration issued by the governmental agency regulating the profession in which that corporation proposes to be engaged, pursuant to the applicable provisions of the Business and Professions Code expressly authorizing those professional services to be rendered by a foreign professional corporation.

(c) If the California board, commission, or other agency that prescribes the rules or regulations governing a particular profession either now or hereafter requires that the shareholders of the professional corporation bear any degree of personal liability for the acts of the corporation, either by personal guarantee or in some other form that the governing agency prescribes, the shareholders of a foreign corporation that has been qualified to do business in this state in the same profession shall, as a condition of doing business in this state, be subject, with regard to the rendering of professional services by the professional corporation in California, or for California residents, to the same degree of personal liability, if any, as is prescribed by the governing agency for shareholders of a California professional corporation rendering services in the same profession.

(d) Each application by a foreign professional corporation to qualify to do business in this state shall contain the following statement:

"The shareholders of the undersigned foreign professional corporation shall be subject, with regard to the rendering of professional services by the professional corporation in California, or for California residents, to the same degree of personal liability, if any, in California as is from time to time prescribed by the agency governing the profession in this state for shareholders in a California professional corporation rendering services in the same profession. This application accordingly constitutes a submission to the jurisdiction of the courts of California to the same extent, but only to the same extent, as applies to the shareholders of a California professional corporation in the same profession. The foregoing submission to jurisdiction is a condition of qualification to do business in this state."

13405. (a) Subject to the provisions of Section 13404, a professional corporation may lawfully render professional services in this state, but only through employees who are licensed persons. The corporation may employ persons not so licensed, but such persons

shall not render any professional services rendered or to be rendered by that corporation in this state. A professional corporation may render professional services outside of this state, but only through employees who are licensed to render the same professional services in the jurisdiction or jurisdictions in which the person practices. Nothing in this section is intended to prohibit the rendition of occasional professional services in another jurisdiction as an incident to the licensee's primary practice, so long as it is permitted by the governing agency that regulates the particular profession in the jurisdiction. Nothing in this section is intended to prohibit the rendition of occasional professional services in this state as an incident to a professional employee's primary practice for a foreign professional corporation qualified to render professional services in this state, so long as it is permitted by the governing agency that regulates the particular profession in this state.

(b) Subject to Section 13404.5, a foreign professional corporation qualified to render professional services in this state may lawfully render professional services in this state, but only through employees who are licensed persons, and shall render professional services outside of this state only through persons who are licensed to render the same professional services in the jurisdiction or jurisdictions in which the person practices. The foreign professional corporation may employ persons in this state who are not licensed in this state, but those persons shall not render any professional services rendered or to be rendered by the corporation in this state.

(c) Nothing in this section or in this part is intended to, or shall, augment, diminish or otherwise alter existing provisions of law, statutes or court rules relating to services by a California attorney in another jurisdiction, or services by an out-of-state attorney in California. These existing provisions, including, but not limited to, admission pro hac vice and the taking of depositions in a jurisdiction other than the one in which the deposing attorney is admitted to practice, shall remain in full force and effect.

13406. (a) Subject to the provisions of subdivision (b), shares of capital stock in a professional corporation may be issued only to a licensed person or to a person who is licensed to render the same professional services in the jurisdiction or jurisdictions in which the person practices, and any shares issued in violation of this restriction shall be void. Unless there is a public offering of securities by a professional corporation or by a foreign professional corporation in this state, its financial statements shall be treated by the Commissioner of Corporations as confidential, except to the extent that such statements shall be subject to subpoena in connection with any judicial or administrative proceeding, and may be admissible in evidence therein. No shareholder of a professional corporation or of a foreign professional corporation qualified to render professional services in this state shall enter into a voting trust, proxy, or any other arrangement vesting another person (other than another person who is a shareholder of the same corporation) with the authority to exercise the voting power of any or all of his or her shares, and any such purported voting trust, proxy or other arrangement shall be void.

(b) A professional law corporation may be incorporated as a nonprofit public benefit corporation under the Nonprofit Public Benefit Corporation Law under either of the following circumstances:

(1) The corporation is a qualified legal services project or a qualified support center within the meaning of subdivisions (a) and (b) of Section 6213 of the Business and Professions Code.

(2) The professional law corporation otherwise meets all of the requirements and complies with all of the provisions of the Nonprofit Public Benefit Corporation Law, as well as all of the following requirements:

(A) All of the members of the corporation, if it is a membership organization as described in the Nonprofit Corporation Law, are persons licensed to practice law in California.

(B) All of the members of the professional law corporation's board of directors are persons licensed to practice law in California.

(C) Seventy percent of the clients to whom the corporation provides legal services are lower income persons as defined in Section 50079.5 of the Health and Safety Code, and to other persons who would not otherwise have access to legal services.

(D) The corporation shall not enter into contingency fee contracts with clients.

(c) A professional law corporation incorporated as a nonprofit public benefit corporation that is a recipient in good standing as defined in subdivision (c) of Section 6213 of the Business and Professions Code shall be deemed to have satisfied all of the filing requirements of a professional law corporation under Sections 6161.1, 6162, and 6163 of the Business and Professions Code.

13407. Shares in a professional corporation or a foreign professional corporation qualified to render professional services in this state may be transferred only to a licensed person, to a shareholder of the same corporation, to a person licensed to practice the same profession in the jurisdiction or jurisdictions in which the person practices, or to a professional corporation, and any transfer in violation of this restriction shall be void, except as provided herein.

A professional corporation may purchase its own shares without regard to any restrictions provided by law upon the repurchase of shares, if at least one share remains issued and outstanding.

If a professional corporation or a foreign professional corporation qualified to render professional services in this state shall fail to acquire all of the shares of a shareholder who is disqualified from rendering professional services in this state or of a deceased shareholder who was, on his or her date of death, licensed to render professional services in this state, or if such a disqualified shareholder or the representative of such a deceased shareholder shall fail to transfer said shares to the corporation, to another shareholder of the corporation, to a person licensed to practice the same profession in the jurisdiction or jurisdictions in which the person practices, or to a licensed person, within 90 days following the date of disqualification, or within six months following the date of death of the shareholder, as the case may be, then the certificate of registration of the corporation may be suspended or revoked by the governmental agency regulating the profession in which the corporation is engaged. In the event of such a suspension or revocation, the corporation shall cease to render professional services in this state.

Notwithstanding any provision in this part, upon the death or incapacity of a dentist, any individual named in subdivision (a) of Section 1625.3 of the Business and Professions Code may employ licensed dentists and dental assistants and charge for their professional services for a period not to exceed 12 months from the date of death or incapacity of the dentist. The employment of licensed dentists and dental assistants shall not be deemed the practice of dentistry within the meaning of Section 1625 of the Business and Professions Code, provided that all of the requirements of Section 1625.4 of the Business and Professions Code are met. If an individual listed in Section 1625.3 of the Business and Professions Code is employing licensed persons and dental assistants, then the shares of a deceased or incapacitated dentist shall be transferred as provided in this section no later than 12 months from the date of death or incapacity of the dentist.

13408. The following shall be grounds for the suspension or revocation of the certificate of registration of a professional corporation or a foreign professional corporation qualified to render professional services in this state: (a) if all shareholders who are licensed persons of such corporation shall at any one time become disqualified persons, or (b) if the sole shareholder shall become a disqualified person, or (c) if such corporation shall knowingly

employ or retain in its employment a disqualified person, or (d) if such corporation shall violate any applicable rule or regulation adopted by the governmental agency regulating the profession in which such corporation is engaged, or (e) if such corporation shall violate any statute applicable to a professional corporation or to a foreign professional corporation, or (f) any ground for such suspension or revocation specified in the Business and Professions Code relating to the profession in which such corporation is engaged. In the event of such suspension or revocation of its certificate of registration such corporation shall cease forthwith to render professional services in this state.

13408.5. No professional corporation may be formed so as to cause any violation of law, or any applicable rules and regulations, relating to fee splitting, kickbacks, or other similar practices by physicians and surgeons or psychologists, including, but not limited to, Section 650 or subdivision (e) of Section 2960 of the Business and Professions Code. A violation of any such provisions shall be grounds for the suspension or revocation of the certificate of registration of the professional corporation. The Commissioner of Corporations or the Director of the Department of Managed Health Care may refer any suspected violation of such provisions to the governmental agency regulating the profession in which the corporation is, or proposes to be engaged.

13409. (a) A professional corporation may adopt any name permitted by a law expressly applicable to the profession in which such corporation is engaged or by a rule or regulation of the governmental agency regulating such profession. The provisions of subdivision (b) of Section 201 shall not apply to the name of a professional corporation if such name shall contain and be restricted to the name or the last name of one or more of the present, prospective, or former shareholders or of persons who were associated with a predecessor person, partnership or other organization or whose name or names appeared in the name of such predecessor organization, and the Secretary of State shall have no authority by reason of subdivision (b) of Section 201 to refuse to file articles of incorporation which set forth such a name; provided, however, that such name shall not be substantially the same as the name of a domestic corporation, the name of a foreign corporation qualified to render professional services in this state which is authorized to transact business in this state, or a name which is under reservation for another corporation. The Secretary of State may require proof by affidavit or otherwise establishing that the name of the professional corporation complies with the requirements of this section and of the law governing the profession in which such professional corporation is engaged. The statements of fact in such affidavits may be accepted by the Secretary of State as sufficient proof of the facts.

(b) A foreign professional corporation qualified to render professional services in this state may transact intrastate business in this state by any name permitted by a law expressly applicable to the profession in which the corporation is engaged, or by a rule or regulation of the governmental agency regulating the rendering of professional services in this state by the corporation. The provisions of subdivision (b) of Section 201 shall not apply to the name of a foreign professional corporation if the name contains and is restricted to the name or the last name of one or more of the present, prospective, or former shareholders or of persons who were associated with a predecessor person, partnership, or other organization, or whose name or names appeared in the name of the predecessor organization, and the Secretary of State shall have no authority by reason of subdivision (b) of Section 201 to refuse to issue a certificate of qualification to a foreign professional corporation that sets forth that name in its statement and designation; provided, however, that such a name shall not be substantially the same as the name of a domestic corporation, the name of a foreign corporation qualified to render professional services in the state,

or a name that is under reservation for another corporation. The Secretary of State may require proof by affidavit or otherwise establishing that the name of the foreign professional corporation qualified to render professional services in this state complies with the requirements of this section and of the law governing the profession in which the foreign professional corporation qualified to render professional services in this state proposes to engage in this state. The statements of fact in such affidavits may be accepted by the Secretary of State as sufficient proof of the facts.

13410. (a) A professional corporation or a foreign professional corporation qualified to render professional services in this state shall be subject to the applicable rules and regulations adopted by, and all the disciplinary provisions of the Business and Professions Code expressly governing the practice of the profession in this state, and to the powers of, the governmental agency regulating the profession in which such corporation is engaged. Nothing in this part shall affect or impair the disciplinary powers of any such governmental agency over licensed persons or any law, rule or regulation pertaining to the standards for professional conduct of licensed persons or to the professional relationship between any licensed person furnishing professional services and the person receiving such services.

(b) With respect to any foreign professional corporation qualified to render professional services in this state, each such governmental agency shall adopt rules, regulations, and orders as appropriate to restrict or prohibit any disqualified person from doing any of the following:

(1) Being a shareholder, director, officer, or employee of the corporation.
(2) Rendering services in any profession in which he or she is a disqualified person.
(3) Participating in the management of the corporation.
(4) Sharing in the income of the corporation.

- Motion passed unanimously.

c) AB 518 (Wagner), Elder and dependent adult abuse: mandated reporters.

The Committee discussed the provisions of the bill including the deletion of the January 1, 2013, repeal date and other clarifying amendments.

- Lin Reed moved to recommend the Board provide a Support position on AB 518.
- Gigi Smith seconded the motion.

Roll call vote

Luella Grangaard:	Aye
Diane Josephs:	Aye
Lin Reed:	Aye
Gigi Smith:	Aye

- Motion passed unanimously.

d) AB 783 (Hayashi), Professional Corporations.

The Committee discussed the provisions of the bill including the absence of occupational therapy (OT) corporations in the Corporations Code.

- Lin Reed moved to recommend the Board support AB 783 bill if amended to include OT corporations.
- Diane Josephs seconded the motion.

Roll call vote

Luella Grangaard:	Aye
Diane Josephs:	Aye
Lin Reed:	Aye
Gigi Smith:	Aye

- Motion passed unanimously.

The Committee discussed which types of licensees should be included as employees of OT corporations, and added to the Corporations Code.

- Gigs Smith moved that if OT corporations were added to the Corporations Code, the Board should support AB 783 if it is amended to allow occupational therapy corporations to employ any of the following licensee types: doctors of podiatric medicine, psychologists, registered nurses, optometrists, marriage and family therapists, clinical social workers, physician assistants, chiropractors, acupuncturists, naturopathic doctors, physical therapists, speech-language pathologists, audiologists, and hearing aid dispensers.
- Diane Josephs seconded the motion.

Roll call vote

Luella Grangaard:	Aye
Diane Josephs:	Aye
Lin Reed:	Aye
Gigi Smith:	Aye

- Motion passed unanimously.

The Committee also discussed which other types of corporations should be able to employ occupational therapists and occupational therapy assistants.

- Diane Josephs moved to recommend the Board support the bill if it is amended to include occupational therapists and occupational therapy assistants as employees of naturopathic corporations.
- Gigi Smith seconded the motion.

Roll call vote

Luella Grangaard:	Aye
Diane Josephs:	Aye
Lin Reed:	Aye
Gigi Smith:	Aye

- Motion passed unanimously.

e) AB 800 (Huber), Boards and Commissions: Time Reporting.

The Committee discussed the quarterly Board Member reporting requirements of the bill

- Diane Josephs moved to recommend the Board remain neutral on this bill.
- Lin Reed seconded the motion.

Roll call vote

Luella Grangaard:	Aye
Diane Josephs:	Aye
Lin Reed:	Aye
Gigi Smith:	Aye

- Motion passed unanimously.

f) AB 958 (Berryhill) – Statute of limitations for disciplinary actions.

The Committee discussed the timeframe limitations for the boards to file disciplinary action accusations against licensees.

- Diane Josephs moved to recommend the Board oppose AB 958.
- Gigi Smith seconded the motion.

Memo re: proposed amendment to California code related to OT corporations

Goals:

- What changes need to be made to the CA code to allow
  - OTs to form professional corporations?
  - OT professional corporations to employ other professionals?
  - OTs to be employees of other professional corporations?

Preliminary questions:

1. What is a professional corporation?

   - It is a specific type of corporation defined in the California Corporations Code as follows: a "'professional corporation' means a corporation...that is engaged in rendering professional services in a single profession, except as otherwise authorized...pursuant to a certificate of registration issued by the governmental agency regulating the profession..." (CA Corp. Code § 13401(b)).

2. What are examples of professional corporations?

   - A "medical corporation" is a type of professional corporation and is also defined in the CA code, as are at least 17 other professional corporations that provide health-related services, e.g., speech-language pathology corporations and physical therapy corporations (see code references below).

3. Where in the code does authority for the creation of professional corporations exist?

   - All 18 of the health-related professional corporations have authorizing language in their practice acts, which includes definitions and regulatory constraints on that type of corporation. In addition, the professional corporation language in all those practice acts cross-references the Moscone-Knox Professional Corporation Act and its definitions (CA Corp. Code § 13400 et al.).

4. Does authority exist in the CA code for the formation of OT corporations?

   - No references to OT corporations exist in the OT practice act or in the Moscone-Knox Professional Corporation Act.

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Conclusions:

1. To create the authority for OTs to form professional corporations, language will have to be added to the OT practice act.

2. To allow OT corporations to employ other professionals, language will have to be added to the Moscone-Knox Professional Corporation Act.

3. To allow OTs to be employees of other professional corporations, additional language will have to be added to the Moscone-Knox Professional Corporation Act (SB 924 adds some of this language).

4. Adding language to the Moscone-Knox Professional Corporation Act (the section of code that lists types of professional corporations and the professionals who may be employees of them) alone will not accomplish the previously mentioned goals. That section only serves to specify that "the following licensed persons may be shareholders...or professional employees of the professional corporations designated..." (CA Corp. Code § 13401.5). That section does not define, establish the regulation of, or create the authority for, any of those corporations. Those things are all accomplished by the professional corporation language in each of those professions' practice acts.

5. All of the aforementioned goals can be achieved by modeling OT corporation language on existing PT corporation language, including the changes to the PT corporation language included in SB 924.

References to practice act professional corporation language (all the following sections appear in the CA Bus. & Prof. Code):

1. Medical Corporations - §§ 2400-2417
2. Podiatric Medical Corporations - §§ 2400-2417
3. Psychological Corporations - §§ 2995-2999
4. Speech-language Pathology Corporations - §§ 2536-2537.5
5. Audiology Corporations - §§ 2536-2537.5
6. Nursing Corporations - §§ 2775-2781
7. Marriage and Family Therapist Corporations - §§ 4987.54988.2
8. Licensed Clinical Social Worker Corporations - §§ 4998-4998.5
9. Physician Assistants Corporations - §§ 3540-3546
10. Optometric Corporations - §§ 3160-3167
11. Chiropractic Corporations - §§ 1050-1058
12. Acupuncture Corporations - §§ 4975-4979
13. Naturopathic Doctor Corporations - §§ 3670-3675
14. Dental Corporations - §§ 1800-1808
15. Professional Clinical Counselor Corporations - §§ 4999.123-4999.129
16. Physical Therapy Corporations - §§ 2690-2696*
17. Pharmacy Corporations - §§ 4150-4156*

18. Veterinary Corporations - §§ 4910-4917*

* These 3 types of professional corporations are not currently listed in the Moscone-Knox Professional Corporation Act and therefore cannot employ other types of professionals. SB 924 would change that for PT corporations.

Floor amendment language for SB 924 to create Occupational Therapy Corporations

(Referencing the bill as amended in the Assembly on June 18, 2012)

Page 4, between lines 2 and 3, insert:

"SEC. 4. Sections 2572 through 2572.7 are added to the Business and Professions Code, to read:

2572. An occupational therapy corporation is a corporation that is authorized to render professional services, as defined in Section 13401 and 13401.5 of the Corporations Code, so long as that corporation and its shareholders, officers, directors, and employees rendering professional services who are occupational therapists, physicians and surgeons, podiatrists, acupuncturists, naturopathic doctors, physical therapists, speech-language pathologists, audiologists, registered nurses, psychologists, and physician assistants are in compliance with the Moscone-Knox Professional Corporation Act, this article and all other statutes and regulations now or hereafter enacted or adopted pertaining to the corporation and the conduct of its affairs.

With respect to an occupational therapy corporation, the governmental agency referred to in the Moscone-Knox Professional Corporation Act is the California Board of Occupational Therapy.

2572.1 It shall constitute unprofessional conduct and a violation of this chapter for any person licensed under this chapter to violate, attempt to violate, directly or indirectly, or assist in or abet the violation of, or conspire to violate any provision or term of this chapter, the Moscone-Knox Professional Corporation Act, or any regulations duly adopted under those laws.

2572.2 An occupational therapy corporation shall not do or fail to do any act the doing of which or the failure to do which would constitute unprofessional conduct under any statute or regulation, now or hereafter in effect. In the conduct of its practice, it shall observe and be bound by such statutes and regulations to the same extent as a person holding a license under this chapter.

2572.3 The name of an occupational therapy corporation and any name or names under which it may render professional services shall contain the words "occupational therapy" or "occupational therapist", and wording or abbreviations denoting corporate existence.

2572.4 Except as provided in Section 13403 of the Corporations Code, each shareholder, director and officer of an occupational therapy corporation, except an assistant secretary and an assistant treasurer, shall be a licensed person as defined in Section 13401 of the Corporations Code.

2572.5 The income of an occupational therapy corporation attributable to professional services rendered while a shareholder is a disqualified person, as defined in Section 13401 of the Corporations Code, shall not in any manner accrue to the benefit of such shareholder or his or her shares in the occupational therapy corporation.

2572.6 The board may adopt and enforce regulations to carry out the purposes and objectives of this article, including regulations requiring (a) that the bylaws of an occupational therapy corporation shall include a provision whereby the capital stock of the corporation owned by a disqualified person (as defined in Section 13401 of the Corporations Code), or a deceased person, shall be sold to the corporation or to the remaining shareholders of the corporation within the time as the regulations may provide, and (b) that an occupational therapy corporation shall provide adequate security by insurance or otherwise for claims against it by its patients arising out of the rendering of professional services.

2572.7 An occupational therapy corporation that is authorized to render professional services, as defined in Sections 13401 and 13401.5 of the Corporations Code, shall disclose to its patients, orally and in writing, when initiating any occupational therapy treatment, that the patient may seek occupational therapy treatment services from an occupational therapy provider of his or her choice who may not necessarily be employed by the occupational therapy corporation."

Renumber to conform

Page 11, between lines 12 and 13, insert:

"(q) Occupational therapy corporation.
(1) Licensed physicians and surgeons.
(2) Licensed doctors of podiatric medicine.
(3) Licensed acupuncturists.
(4) Naturopathic doctors.
(5) Licensed physical therapists.
(6) Licensed speech-language pathologists.
(7) Licensed audiologists.
(8) Registered nurses.
(9) Licensed psychologists.
(10) Licensed physician assistants."

RECOMMENDED PRIORITIZATION OF PREVIOUSLY APPROVED LEGISLATIVE PROPOSALS FOR THE UPCOMING LEGISLATIVE SESSION.

The language for following legislative proposals are attached for review:

- Amend BPC Section 2570.2, Definitions.
- Amend BPC Section 2570.3, Licensing requirement.
- Amend BPC Section 2570.16, Fees.
- Add new BPC Section requiring mandatory reporting of employees who are terminated or suspended for cause, as specified, and consequences for failure to report.
- Add new BPC Section establishing new language which would allow the Board to inspect records.
- Add new BPC Section regarding limiting liability of occupational therapists providing services in an emergency, disaster, or state of war.

Amend Business & Professions Code Section 2570.2(k)

(k) "~~Practice of~~ ~~o~~Occupational therapy" means the therapeutic use of ~~purposeful and meaningful goal-directed~~ everyday life activities (occupations) with individuals, groups, or populations to address participation and function in roles and situations in home, school, workplace, community and other settings. Occupational therapy services are provided for habilitation, rehabilitation, promoting and maintaining health and wellness to those who have or are at risk for developing an illness, injury, disease, disorder, condition, impairment, disability, activity limitation or participation restriction. Occupational therapy addresses the physical, cognitive, psychosocial, sensory, and other aspects of performance in a variety of contexts to support engagement in everyday life activities that affect physical and mental health, ~~which engage the individual's body and mind in meaningful, organized, and self-directed actions that maximize independence, prevent or minimize disability, and promote or maintain health,~~ well-being, and quality of life. Occupational therapy ~~services~~ encompasses research, education of students, occupational therapy ~~assessment~~ evaluation, treatment, education of, and consultation with~~, individuals who have been referred for occupational therapy services subsequent to diagnosis of disease or disorder (or who are receiving occupational therapy services as part of an Individualized Education Plan (IEP) pursuant to the federal Individuals with Disabilities Education Act (IDEA)).~~ individuals, groups, programs, organizations, or communities.

(1) Occupational therapy ~~assessment~~ evaluation identifies performance abilities ~~and limitations~~ that are necessary for self-maintenance, learning, work, and other similar meaningful activities. Occupational therapy treatment is focused on developing, improving, or restoring functional daily living skills, compensating for and preventing dysfunction, or minimizing disability. Occupational therapy techniques that are used for treatment involve teaching activities of daily living (excluding speech-language skills); designing or fabricating selective temporary orthotic devices, and applying or training in the use of assistive technology or orthotic and prosthetic devices excluding gait training). Occupational therapy consultation provides expert advice to enhance function and quality of life. Consultation or treatment may involve modification of tasks or environments to allow an individual to achieve maximum independence. . Services are provided individually~~,~~ or in groups.~~, or through social groups.~~

(2) Occupational therapy includes, but is not limited to, performing as a clinician, supervisor of occupational therapy students and volunteers, researcher, scholar, consultant, administrator, faculty, clinical instructor, continuing education instructor and educator of consumers/clients.

(l) "Hand therapy" is the art and science of rehabilitation of the hand, wrist, and forearm requiring comprehensive knowledge of the upper extremity and specialized skills in assessment and treatment to prevent dysfunction, restore function, or reverse the advancement of pathology. This definition is not intended to prevent an occupational therapist practicing hand therapy from providing other occupational therapy services authorized under this act in conjunction with hand therapy.

(m) "Physical agent modalities" means techniques that produce a response in soft tissue through the use of light, water, temperature, sound, or electricity. These techniques are used as adjunctive methods in conjunction with, or in immediate preparation for, occupational therapy services.

Amend Business & Professions Code Section 2570.3(k)

~~(k) The amendments to subdivisions (d), (e), (f), and (g) relating to advanced practices, that are made by the act adding this subdivision, shall become operative no later than January 1, 2004, or on the date the board adopts regulations pursuant to subdivision (h), whichever first occurs.~~

(k) The board may approve a provider of post-professional education courses, that on or after July 1, 2014, submits an application to the Board and pays the fee set forth in section 2570.16. Each approved provider shall expire on June 30, 2016, and biennially thereafter.

(l) On or after July 1, 2014, the board may approve a post-professional education course, when a provider approved under section (k) submits a post-professional education course application to the Board and pays the fee set forth in section 2570.16.

Business and Professions Code Section 2570.16.

Initial license and renewal fees shall be established by the board in an amount that does not exceed a ceiling of one hundred fifty dollars ($150) per year. The board shall establish the following additional fees:

(a) An application fee not to exceed fifty dollars ($50).
(b) A late renewal fee as provided for in Section 2570.10.
(c) A limited permit fee.
(d) A fee to collect fingerprints for criminal history record checks.
(e) A fee to query the National Practitioner Data Bank and the Healthcare Integrity Protection Data Bank.
(f) An initial application fee for providers of post-professional education courses shall be a non-refundable fee of three hundred dollars ($300).
(g) A biennial renewal fee for an approved post-professional education course provider shall be a minimum of three hundred dollars ($300), but no more than five hundred-fifty dollars ($550) per renewal cycle.
(h) A one-time, non-refundable fee for review of each post-professional educational course shall be a minimum of ninety dollars ($90), but no more one hundred-fifty dollars ($150) per course.

New BPC Section 2570.34

(a) Any employer of an occupational therapy practitioner shall report to the California Board of Occupational Therapy the suspension or termination for cause of any practitioner in their employ. The reporting required herein shall not act as a waiver of confidentiality of medical records. The information reported or disclosed shall be kept confidential except as provided in subdivision (c) of Section 800, and shall not be subject to discovery in civil cases.

(b) For purposes of the section, "suspension or termination for cause" is defined to mean suspension or termination from employment for any of the following reasons:

(1) Use of controlled substances or alcohol to such an extent that it impairs the ability to safely practice occupational therapy.

(2) Unlawful sale of controlled substances or other prescription items.

(3) Patient neglect, physical harm to a patient, or sexual contact with a patient.

(4) Falsification of medical, treatment, client consultation or billing records.

(5) Incompetence or negligence.

(6) Theft from patients, other employees, or the employer.

(c) The first failure of an employer to make a report required by this section shall result in a letter educating the employer of their reporting responsibilities. The second failure to make a report by this section shall result in a letter reminding the employer of their reporting responsibilities and advising of consequences for future non-compliance. The third violation shall result in an administrative fine not to exceed one thousand dollars ($1,000). The fourth and any subsequent violations shall be punishable by an administrative fine not to exceed five thousand dollars ($5,000) per violation.

New BPC Code Section 2570.35

(a) In addition to the reporting required under Section 2570.34, an employer shall also report to the board the name, professional licensure type and number, and title of the person supervising the licensee who has been suspended or terminated for cause, as defined in subdivision (b) of Section 2570.34. If the supervisor is a licensee under this chapter, the board shall investigate whether due care was exercised by that supervisor in accordance with this chapter. If the supervisor is a health professional, licensed by another licensing board under this division, the employer shall report the name of that supervisor and any and all information pertaining to the suspension or termination for cause of the person licensed under this chapter to the appropriate licensing board.

(b) The failure of an employer to make a report required by this section shall be punishable consistent with Section 2570.34(c).

BPC Code Section 2570.36 (current language)

If a licensee has knowledge that another person may be in violation of, or has violated, any of the statutes or regulations administered by the board, the licensee shall report this information to the board in writing and shall cooperate with the board in furnishing information or assistance as may be required.

Proposed new language:

Each member of the board, or any licensed occupational therapist appointed by the board, may inspect, or require reports from, a general or specialized hospital or any other facility providing occupational therapy treatment or services and the occupational therapy staff thereof, with respect to the occupational therapy treatment, services, or facilities provided therein, and may inspect occupational therapy patient records with respect to the care, treatment, services, or facilities. The authority to make inspections and to require reports as provided by this section shall not be delegated by a member of the board to any person other than a occupational therapist and *shall be subject to the restrictions against disclosure described in Section 2263.*

BPC 2263: The willful, unauthorized violation of professional confidence constitutes unprofessional conduct.

New Business and Professions Code Section

Any occupational therapist or occupational therapy assistant licensed pursuant to 2570.6, who renders services during any state of war emergency, a state of emergency, disaster, or a local emergency at the express or implied request of any responsible state or local official or agency shall have no liability for an injury sustained by any person by reason of such services, regardless of how or under what circumstances or by what cause such injuries are sustained; provided, however, that the immunity herein granted shall not apply in the event of a willful act or omission, or when the person is grossly negligent.

REVIEW AND CONSIDERATION OF LEGISLATIVE PROTOCOL FOR WHEN THE BOARD IS UNABLE MEET TO DISCUSS PENDING LEGISLATION.

The following are attached for review:

- Draft policy,
- 2013 Legislative Calendar

POLICY FOR TAKING A POSITION ON LEGISLATION – OUTSIDE OF REGULARLY SCHEDULED BOARD MEETING

The California Board of Occupational Therapy may take positions on pending legislation after carefully weighing the issues involved in the legislation and taking into consideration all views related to the legislation.

This policy provides for the following:

1. All members of the Board, by a majority vote, can decide on an official position and the action to be taken to advance the Board's position on legislation.

2. Suggestions for taking a legislative policy position may come from anyone. Suggestions made by non-Board members must be sent in writing to the Executive Officer, who will provide the information to the Board members at the meeting when the legislation is being considered.

3. Board staff will review and analyze the legislation consistent with the Board's mission, statutory mandate, or interests. When possible, a written analysis will be provided to the Legislative and Regulatory Affairs Committee or Board for review.

4. In the event a meeting of the Legislative and Regulatory Affairs Committee is unable to be scheduled timely, the written analysis will be provided to the Administrative Committee or Board for review.

5. The Legislative and Regulatory Affairs Committee, the Administrative Committee, or the Board (hereafter 'reviewing entity') will recommend a position (support, oppose, support if amended, oppose unless amended, no position, neutral position or watch). The reviewing entity will recommend the action to be taken on the legislation, action may include, writing letters, meeting with key legislators and their staff, attending hearings or other activities needed to advance the Board's position.

6. Due to time constraints in scheduling a meeting consistent with the Bagley Keene Open meetings Act requirements, to discuss legislative issues/activities, the Board has empowered the Administrative Committee, when time is of the essence, to take position(s) on the legislation. The position letter(s) will be prepared by and signed by the Executive Officer.

7. The Executive Officer shall inform the rest of the Board by emailing the position letter immediately to all Board members. Upon request to the Executive Officer or the Board's President, any Board member may request a Special Meeting be scheduled to discuss the Administrative Committee's action.

8. If a Special Meeting is not scheduled, at the next regularly scheduled Board meeting, the Administrative Committee's position letter will be included as an agenda item for review and consideration.

9. If significant time or financial resources will be needed to advance a legislative position, this information will be provided in an analysis given to the Administrative Committee prior to approving the action to be taken.

DRAFT

2013 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK

Revised 1-3-13

JANUARY

	S	M	T	W	TH	F	S
			1	2	3	4	5
Wk. 1	6	7	8	9	10	11	12
Wk. 2	13	14	15	16	17	18	19
Wk. 3	20	21	22	23	24	25	26
Wk. 4	27	28	29	30	31		

FEBRUARY

	S	M	T	W	TH	F	S
Wk. 4						1	2
Wk. 1	3	4	5	6	7	8	9
Wk. 2	10	11	12	13	14	15	16
Wk. 3	17	18	19	20	21	22	23
Wk. 4	24	25	26	27	28		

MARCH

	S	M	T	W	TH	F	S
Wk. 4						1	2
Wk. 1	3	4	5	6	7	8	9
Wk. 2	10	11	12	13	14	15	16
Wk. 3	17	18	19	20	21	22	23
Spring Recess	24	25	26	27	28	29	30
Wk. 4	31						

APRIL

	S	M	T	W	TH	F	S
Wk. 4		1	2	3	4	5	6
Wk. 1	7	8	9	10	11	12	13
Wk. 2	14	15	16	17	18	19	20
Wk. 3	21	22	23	24	25	26	27
Wk. 4	28	29	30				

MAY

	S	M	T	W	TH	F	S
Wk. 4				1	2	3	4
Wk. 1	5	6	7	8	9	10	11
Wk. 2	12	13	14	15	16	17	18
Wk. 3	19	20	21	22	23	24	25
No Hrgs.	26	27	28	29	30	31	

*Holiday schedule subject to final approval by Rules Committee.

DEADLINES

Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).

Jan. 7 Legislature reconvenes (J.R. 51(a)(1)).

Jan. 10 Budget Bill must be submitted by Governor (Art. IV, Sec. 12(a)).

Jan. 21 Martin Luther King, Jr. Day observed.

Jan. 25 Last day to submit **bill requests** to the Office of Legislative Counsel.

Feb. 18 Presidents' Day observed.

Feb. 22 Last day for bills to be **introduced** (J.R. 61(a)(1), J.R. 54(a)).

Mar. 21 **Spring Recess** begins upon adjournment (J.R. 51(a)(2)).

Mar. 29 Cesar Chavez Day observed.

Apr. 1 Legislature reconvenes from Spring Recess (J.R. 51(a)(2)).

May 3 Last day for **policy committees** to meet and report to Fiscal Committees **fiscal bills** introduced in their house (J.R. 61(a)(2)).

May 10 Last day for **policy committees** to meet and report to the floor **non-fiscal bills** introduced in their house (J.R. 61(a)(3)).

May 17 Last day for **policy committees** to meet prior to June 3 (J.R. 61(a)(4)).

May 24 Last day for **fiscal committees** to meet and report to the floor bills introduced in their house (J.R. 61(a)(5)). Last day for **fiscal committees** to meet prior to June 3 (J.R. 61(a)(6)).

May 27 Memorial Day observed.

May 28-31 **Floor session only**. No committee may meet for any purpose (J.R. 61(a)(7)).

May 31 Last day for each house to pass bills introduced in that house (J.R. 61(a)(8)).

OVER

2013 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK

Revised 1-3-13

JUNE							
	S	M	T	W	TH	F	S
No Hrgs							1
Wk. 4	2	3	4	5	6	7	8
Wk. 1	9	10	11	12	13	14	15
Wk. 2	16	17	18	19	20	21	22
Wk. 3	23	24	25	26	27	28	29
Wk. 4	30						

June 3 Committee meetings may resume (J.R. 61(a)(9)).

June 15 Budget Bill must be passed by midnight (Art. IV, Sec. 12(c)(3)).

JULY							
	S	M	T	W	TH	F	S
Wk. 4		1	2	3	4	5	6
Summer Recess	7	8	9	10	11	12	13
Summer Recess	14	15	16	17	18	19	20
Summer Recess	21	22	23	24	25	26	27
Summer Recess	28	29	30	31			

July 3 **Summer Recess** begins upon adjournment, provided Budget Bill has been passed (J.R. 51(a)(3)).

July 4 Independence Day observed.

AUGUST							
	S	M	T	W	TH	F	S
Summer Recess					1	2	3
Wk. 1	4	5	6	7	8	9	10
Wk. 2	11	12	13	14	15	16	17
Wk. 3	18	19	20	21	22	23	24
Wk. 4	25	26	27	28	29	30	31

Aug. 5 Legislature reconvenes from Summer Recess (J.R. 51(a)(3)).

Aug. 16 Last day for **policy committees** to meet and report bills (J.R. 61(a)(10)).

Aug. 30 Last day for **fiscal committees** to meet and report bills (J.R. 61(a)(11)).

SEPTEMBER							
	S	M	T	W	TH	F	S
No Hrgs.	1	2	3	4	5	6	7
No Hrgs.	8	9	10	11	12	13	14
Interim Recess	15	16	17	18	19	20	21
Interim Recess	22	23	24	25	26	27	28
Interim Recess	29	30					

Sept. 2 Labor Day observed.

Sept. 3-13 **Floor session only**. No committees, other than conference committees and Rules Committee, may meet for any purpose (J.R. 61(a)(12)).

Sept. 6 Last day to **amend** bills on the floor (J.R. 61(a)(13)).

Sept. 13 Last day for any bill to be passed (J.R. 61(a)(14)). **Interim Recess** begins upon adjournment (J.R. 51(a)(4)).

IMPORTANT DATES OCCURRING DURING INTERIM RECESS

2013

Oct. 13 Last day for Governor to sign or veto bills passed by the Legislature on or before Sept. 13 and in the Governor's possession after Sept. 13 (Art. IV, Sec. 10(b)(1)).

2014

Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).

Jan. 6 Legislature reconvenes (J.R. 51(a)(4)).

*Holiday schedule subject to final approval by Rules Committee.